IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 23 OF 2005

IN

WRIT PETITION NO. 503 OF 2003

M.S.KHANDALEKAR ... PETITIONER

(Org.Petitioner)

Vs.

THE DIRECTOR OF CENTRAL BOARD OF

WORKER'S EDUCATION & Ors. RESPONDENTS

Mr. V.P.Vaidya for the petitioner

Mr. Rajiv Chavan a/w Ms. S.Kaushik i/b. Dr. T.C.Kaushik - Union of India.

CORAM: S.K.SHAH,J.

DATE : 7th October,2005.

P.C.

1. Heard. The contempt is alleged of the order passed on 11.3.2004 whereby Rule was made absolute. The direction in para 12(6) of the order of C.A.T. dated 23.11.2000 was substituted by para 18 of the Judgment of

this Court. The effect was that pension supposed to be given to the petitioner was with effect from 18.11.1991 and not from 1.3.1998 as directed by the Central Administrative Tribunal. However, the order of the C.A.T. was that the Respondent was directed to consider the case of the complainant for providing pension under the Pension Scheme and the said order was confirmed by this Court. Therefore this Petition has been filed.

2. The grievance of the petitioner is that the period of his past service for the period from 1957 to 1964 was not taken into consideration for the purpose of calculation of pension payable to the petitioner. In this regard, the dispute is raised that the petitioner having accepted the amount of the G.P.F. which he admitted while service was withdrawn by the petitioner and therefore, the case of the petitioner was governed by 5(2) of the Pension Rules. At any rate, there is no specific direction as to what period shall be taken into consideration for the purpose of calculation of the Pension as per Pension Rules. Therefore, this cannot be considered as contempt. The same shall be got clarified.

. The Contempt Petition is, therefore, disposed of

(S.K.SHAH,J.)